

Notice of Allowability

Application No.

09/803,869

Examiner

Thomas M. Ho

Applicant(s)

ISHIBASHI ET AL.

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/10/06.
2. ☒ The allowed claim(s) is/are 1-25.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

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1. Claims 1-25 are pending.
2. The RCE of 7/10/06 has been received and entered.

Reasons for Allowance

In reference to claim 1:

Stefik et al. discloses a content transaction system for settling a transaction of content comprising:

- A user device configured for (1) receiving and storing an issue log including issue information indicating an allowable amount of electronic money, where the issue information indicating the allowable amount of electronic money is the amount in the financial account. (Column 17, lines 20-34) & (Column 23, lines 44- Column 24, line 47, et seq) and the copy count recorded in the log of digital rights. (Column 18, lines 10-28, et seq.) and an electronic money balance, for creating a usage log of usage of said content,
- (3)for deducting a content usage fee from an electronic money balance up to an allowable amount of electronic money set in an issue log based on information of a usage control policy of the content, (Column 25, lines 10-35)
- (4) creating a usage log including information of the deducted usage fee, where the user device is the first repository which generates the billing information from an electronic money balance. (Column 7, lines 33-37)

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- A service provider, which receives said usage log from said user device, for creating a receive log including the information of the content usage fee based on said usage log, where the service provider is the second repository (Column 7, lines 33-37), where the usage log is the log of usage rights attached to digital work (Column 11, lines 33-35), and the usage rights contains a log of the usage. (Column 25, lines 10-35)
- A clearing center, which creates said issue log and receives said receive log from said service provider, for performing settlement processing for the electronic money spent for the use of the content based on said receive log, and for making a transfer request to transfer the usage fee, where the clearing center is the credit server (Figure 3)
- An account management institution, which receives the transfer request from said clearing center, for performing transfer processing according to the transfer request, where the account management institution is the billing clearing house. (Figure 3)
- Wherein said clearing center manages the allowable amount of money by preliminary creating said issue log and then issuing said issue log to the use device. (Column 17, lines 20-34) & (Column 23, lines 44- Column 24, line 47, et seq) and the copy count recorded in the log of digital rights. (Column 18, lines 10-28, et seq.)

Stefik fails to disclose amended limitation (item 2)

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(2) for receiving, storing and using the content, said content being stored independently of said issue log.

Rather in Stefik, the content and the issue log are inextricably linked. For example, in Column 6, lines 50-56, Stefik explicitly states that *“A key feature of the present invention is that usage rights are permanently attached to the digital work. Copies of made of a digital work will also have usage rights attached. Thus, the usage rights and any associated fees assigned by a creator and subsequent distributor will always remain with a digital work”*

The fees and the digital rights attached as disclosed in the recitation of Stefik was the basis for the rejection of the issue log in claim 1. The Examiner can find no motivation to modify Stefik over the amended claims. Stefik is believed to be closest art of record with regards to Applicant's invention.

Accordingly claim 1 is allowable over the prior art.

Claim 15 has also amended the limitation wherein the issue log is stored independently of said content. Accordingly claim 15 is allowable for the same reasons as claim 1.

Claims 2-14, 16-25 are dependent claims which depend on claims 1 or 15 and are allowable because their independent claims are allowable.

Conclusion

3. The following art not relied upon is made of record:

US patent 5910987 by Ginter et al. discloses a content distribution system with a variety of embodiments and disclosures.

US patent 6240185 discloses a method of securely delivering electronics control rights information.

4. Any inquiry concerning this communication from the examiner should be directed to Thomas M Ho whose telephone number is (571)272-3835. The examiner can normally be reached on M-F from 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on **(571)272-3799**.

The Examiner may also be reached through email through Thomas.Ho6@uspto.gov

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-2100.

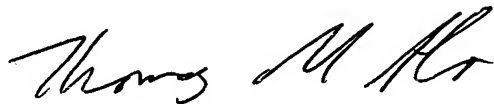
General Information/Receptionist Telephone: 571-272-2100 Fax: 571-273-8300

Customer Service Representative Telephone: 571-272-2100 Fax: 571-273-8300

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TMH

October 1st, 2006



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